

Sara Smolik

From: ECFnotice@mad.uscourts.gov [mailto:ECFnotice@mad.uscourts.gov]
Sent: Thursday, October 27, 2011 8:00 AM
To: CourtCopy@mad.uscourts.gov
Subject: Activity in Case 1:10-cv-11230-WGY Quinn v. Endo Pharmaceuticals Order on Motion to Compel

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 10/27/2011 at 7:59 AM EDT and filed on 10/27/2011

Case Name: Quinn v. Endo Pharmaceuticals

Case Number: 1:10-cv-11230-WGY

Filer:

Document Number: No document attached

Docket Text:

Judge William G. Young: ELECTRONIC ORDER entered: Motion allowed as to document request 37 to Quinn and 23 to Rubenskas. The named plaintiffs and Rubenskas shall supplement their answers to Interrogatory # 2 and shall respond as to "family and friends" with respect to interrogatory # 4, save that private communications between husband and wife need not be disclosed. Motion otherwise denied. re [82] MOTION to Compel Responses to Interrogatories and Requests for Production (Paine, Matthew)

1:10-cv-11230-WGY Notice has been electronically mailed to:

Harold L. Lichten hlichten@llrlaw.com, mmahoney@llrlaw.com

Richard L. Alfred ralfred@seyfarth.com, bosdocket@seyfarth.com, hsluss@seyfarth.com

Stephen S. Churchill schurchi@law.harvard.edu, mhorwitz@llrlaw.com, schurhill@llrlaw.com

Dawn Reddy Solowey dsolowey@seyfarth.com

Shannon E. Liss-Riordan sliss@llrlaw.com, mhorwitz@llrlaw.com, ssimpson@llrlaw.com

Carla J. Eaton ceaton@seyfarth.com, bosdocket@seyfarth.com, cbartolone@seyfarth.com,
wrowan@seyfarth.com

Walter H. Jacobs wjacobs@law@gmail.com

Jessica M. Schauer jmschauer@seyfarth.com, bosdocket@seyfarth.com, jburns@seyfarth.com,
mcloherly@seyfarth.com

1:10-cv-11230-WGY Notice will not be electronically mailed to:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SUSAN S. QUINN, FREDERICK IMMAR,
for and on behalf of themselves and all others
similarly situated,

Plaintiff,

v.

ENDO PHARMACEUTICALS, INC.,

Defendant.

CIVIL ACTION NO. 10-11230 WGY

**DEFENDANT'S MOTION TO COMPEL RESPONSES TO
INTERROGATORIES AND REQUESTS FOR PRODUCTION
TO PLAINTIFFS SUSAN QUINN AND FREDERICK IMMAR**

Endo Pharmaceuticals Inc. ("Endo"), the defendant in this putative nationwide collective action under the Fair Labor Standards Act ("FLSA"), hereby moves this Court pursuant to Rule 37(a) of the Federal Rules of Civil Procedure to compel Plaintiffs' complete responses to its discovery requests. There are two separate grounds for Endo's motion. First, the two named plaintiffs in this action, Susan Quinn and Frederick Immar, and one opt-in plaintiff, Bryan Rubenskas, have responded to narrowly-tailored interrogatories and document requests with a series of baseless objections and incomplete, evasive responses, and they should be required promptly to supplement. Second, the remaining opt-in plaintiffs in this case, despite being "party plaintiffs" under § 216(b) of the FLSA who are obligated to participate in discovery, have refused to respond at all to the interrogatories or document requests, and must be ordered to do so. The grounds for this motion are further explained in Defendant's Memorandum of Law filed contemporaneously herewith.

Respectfully submitted, _____

ENDO PHARMACEUTICALS INC.

By its attorneys,

/s/ Richard L. Alfred

Richard L. Alfred (BBO # 015000)

Jessica M. Schauer (BBO # 669677)

Dawn Reddy Solowey (BBO # 567757)

Jeffrey Burns (BBO # 661448)

SEYFARTH SHAW LLP

Two Seaport Lane, Suite 300

Boston, MA 02210-2028

Telephone: (617) 946-4800

Telecopier: (617) 946-4801

DATED: October 11, 2011

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2011, this document was filed through the Court's ECF system and that Plaintiffs' counsel includes registered users designated to receive Notices of Electronic Filings in this matter.

/s/ Richard L. Alfred

Richard L. Alfred

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2) AND 37.1

I certify that counsel for Defendant, Jessica Schauer, conferred with counsel for Plaintiffs, Steven Churchill, regarding the issues raised in this motion in a telephonic discovery conference telephone conference on Sept. 28, 2011 and e-mail correspondence on Sept. 22, 2011, Sept. 29, 2011, and Oct. 4, 2011. As described further in the Memorandum of Law filed contemporaneously with this motion, the parties were unable to reach agreement on the issues raised in this motion.

/s/ Richard L. Alfred

Richard L. Alfred